IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

CRL.A.No. 151 of 1998(A)

ST.37/1992 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD
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APPELLANT/COMPLAINANT:

M/S.GAYATHRY REFRIGERATION INDUSTRIES (PVT) LIMITED, BY MANAGING DIRECTOR, M.R.NAIR, RESIDING AT 'GAYATRI' MARUTHA ROAD PALAKKAD TALUK, AND DISTRICT.

THE NAME OF MANAGING DIRECTOR (SRI.M.R.NAIR) IS SUBSTITUTED AS SRI.R.UDHAYABHANU (THE PRESENT MANAGING DIRECTOR) AS PER ORDER IN CRL.MA.8919/04 DATED 12.8.2004.

BY ADV. SRI.P.RADHAKRISHNAN
SMT.K.MEERA
SRI.MADHU RADHAKRISHNAN

RESPONDENT/ACCUSED:

SREEKUMAR, VAISAKH DIARY,MILMA AGENCY, JOTHI BUILDINGS, EAST NADA, GURUVAYUR.

BY ADV. SRI.M.N.SUKUMARAN NAYAR(SR.)

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Crl. Appeal No.151 of 1998

Dated this the 21st day of March, 2007

Judgment

This is an appeal filed against acquittal of the accused. Appellant filed a complaint under section 138 of the Negotiable Instruments Act contending that cheque issued by the respondent was dishonoured for insufficiency of funds. According to the counsel for the respondent, the amounts were paid in instalments. In any event, it is an admitted case that part payment was also made. In the above circumstances, when part payment was accepted, complaint under section 138 of the Negotiable Instruments Act will not lie. I see no ground to interfere in the order of acquittal. Appeal dismissed.

J.B. KOSHY
(JUDGE)

vaa

J.B.Koshy, J.

Crl. A. No.151 of 1998

Judgment

21-3-2007